

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CHULA VISTA

January 22, 2002

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:05 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers: Davis, Rindone, Padilla, Salas, and Mayor Horton

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Kaheny, and City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

CONSENT CALENDAR
(Items 1 through 8)

1. APPROVAL OF MINUTES of December 17, 2001.

Staff recommendation: Council approve the minutes.

2A. RESOLUTION NO. 2002-012, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING SECOND AMENDMENT TO THE AGREEMENT WITH VOLLMER ASSOCIATES, LLP, FOR A TOLL ROAD OPERATIONAL REVIEW FOR THE STATE ROUTE-125 (SR-125) PROJECT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT

B. RESOLUTION NO. 2002-013, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING SECOND AMENDMENT TO THE AGREEMENT WITH INFRASTRUCTURE MANAGEMENT GROUP, INC., FOR A FINANCIALLY BASED APPRAISAL OF THE STATE ROUTE-125 (SR-125) FRANCHISE, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT

On November 7, 2000, the City Council approved an agreement with Vollmer Associates, LLP, to conduct a "peer" review of information used by California Transportation Ventures, Inc. in making traffic and revenue projections for the SR-125 toll road facility. Council also approved an agreement with Infrastructure Management Group, Inc. to conduct a financially based appraisal of the SR-125 franchise. The agreements, as originally approved, anticipated that completion of certain items would require input from third parties. Due to circumstances beyond the consultants' and City's control, those items have not been made available to the City's consultants, and amendments to the agreements extending the date of completion need to be approved. (Director of Public Works)

Staff recommendation: Council adopt the resolutions.

CONSENT CALENDAR (Continued)

3. RESOLUTION NO. 2002-014, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-1 (SAN MIGUEL RANCH), DECLARING THE RESULTS OF A SPECIAL ELECTION IN IMPROVEMENT AREA A OF SUCH COMMUNITY FACILITIES DISTRICT

On January 15, 2002, a public hearing was held proposing an increase in the authorized bonded indebtedness for Improvement Area A of Community Facilities District 2001-1, San Miguel Ranch (CFD 2001-1). Council received no public testimony or protests to the proposed increase. On January 17, 2002, the City Clerk, acting as the election official, held a special election of the qualified electors of Improvement Area A on the question of the increase. The outcome of the election was that 100% of the qualified electors voted in favor of the proposed increase. CFD 2001-1 will fund the construction of public facilities, such as roadways and other public improvements, for the San Miguel project from the proceeds of any bonds issued for Improvement Area A. In addition, a portion of such bond proceeds may be used for certain transportation projects, as directed by the City. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

4. RESOLUTION NO. 2002-015, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING IMPLEMENTATION AGREEMENT FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

This agreement will be entered into by the County of San Diego, the San Diego Unified Port District, and the Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, and Vista. It establishes the responsibilities of each party with respect to compliance with the NPDES stormwater permit regulations, which are administered by the United States Environmental Protection Agency, under the authority granted by the Federal Water Pollution Control Act and its 1987 amendments, the Water Quality Act. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

5. RESOLUTION NO. 2002-016, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2001/2002 GENERAL FUND BUDGET TO PROVIDE FUNDING NECESSARY FOR PROFESSIONAL ASSISTANCE IN IMPLEMENTING NEW REPORTING REQUIREMENTS OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB), AND APPROPRIATING FUNDS THEREFOR

In order to maintain the highest standards of financial reporting, the City is required to implement newly mandated reporting requirements for this year's report. Professional assistance is required in order to insure an accurate and orderly transition, and additional appropriations are necessary to pay for these services. (Assistant City Manager Powell, Director of Public Works)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

6. RESOLUTION NO. 2002-017, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING RECLASSIFICATIONS, SALARY ADJUSTMENTS AND/OR CHANGES IN BENEFIT GROUP FOR THREE CLASSIFIED POSITIONS, APPROPRIATING FUNDS, AND AMENDING THE FISCAL YEAR 2003 SPENDING PLAN THEREFOR

The reclassifications, salary adjustments and/or changes in benefit group are a result of increases in the level and complexity of duties and responsibilities assigned to three classified positions in two departments. There are currently three incumbents in these classifications. (Director of Human Resources)

Staff recommendation: Council adopt the resolution approving the reclassifications, salary and/or benefit group adjustments effective January 25, 2002.

7. RESOLUTION NO. 2002-018, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING THE HOUSE LOCATED AT 466 E STREET, ORIGINALLY KNOWN AS THE GEORGE SAMPLE HOUSE, AS A HISTORIC SITE, AND PLACING THAT STRUCTURE ON THE CITY OF CHULA VISTA'S LIST OF HISTORIC SITES AS THE GALLIGAN HOUSE IN ACCORDANCE WITH MUNICIPAL CODE SECTION 2.32.70(A)

The property owner, Elizabeth Galligan, has requested that her property at 466 E Street be considered for inclusion on Chula Vista's List of Historic Sites. (Director of Planning and Building)

Staff recommendation: Council adopt the resolution.

8. RESOLUTION NO. 2002-019, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA PROVIDING FUNDING NECESSARY FOR SPECIAL COUNSEL ATTORNEY SERVICES TO CHALLENGE STATE PERMITTING OF THE RAMCO CHULA VISTA II PEAKER GENERATION STATION, AND AMENDING THE FISCAL YEAR 2001/2002 GENERAL FUND BUDGET THEREFOR

In June of 2001, the City engaged the services of McKenna & Cuneo, LLP, to provide technical legal assistance regarding the City's opposition to the Ramco Chula Vista II Peaker Generation Station proposed for Albany Avenue, south of Main Street. On short notice, McKenna & Cuneo assisted with the development of a strategy to oppose the RAMCO Chula Vista Peaker II Generating Station, prepared opposition letters and judicial appeals, and attended California Energy Commission hearings. After being a significant part of a successful effort to encourage RAMCO to not proceed with its project, City staff directed McKenna & Cuneo to continue its efforts to challenge project permits to prevent RAMCO from re-instituting or selling the project. (Special Operations Manager, Assistant City Attorney Googins)

CONSENT CALENDAR (Continued)

Staff recommendation: Council adopt the resolution and amend the Fiscal Year 2001/2002 budget by appropriating \$71,255 from the available fund balance of the General Fund.

ACTION: Mayor Horton moved to approve staff recommendations and offered Consent Calendar Items #1 through #8, headings read, texts waived. The motion carried 5-0 except on Item #7, which carried 4-0-1, with Councilmember Rindone abstaining due to the proximity of his residence to the George Sample House.

ORAL COMMUNICATIONS

Pete Gonzalez, representing Chula Vista AYSO #290 Youth Soccer Organization, requested funding assistance for the teams' participation in an upcoming national soccer event in Hawaii. He also requested a proclamation and letter of recommendation to enclose with his sponsorship letters. Mayor Horton replied that she would write a letter of endorsement and would support and assist with fundraising efforts. She added that she would be a bronze sponsor for the event. Councilmembers Davis, Padilla, Rindone, and Salas each agreed to match Mayor Horton's bronze sponsorship.

PUBLIC HEARINGS

9. CONSIDERATION OF ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 133, ALONG FOURTH AVENUE FROM L STREET TO ORANGE AVENUE

On December 18, 2001, Council adopted Resolution No. 2001-445 and ordered a public hearing to be held on January 22, 2002, to determine whether the public health, safety or general welfare requires the formation of a utility undergrounding district along Fourth Avenue from L Street to Orange Avenue. The purpose of forming the district is to require the utility companies to underground all overhead lines and to remove all existing wooden utility poles within the proposed district. The proposed utility undergrounding district is about 6,630 feet long and is estimated to cost approximately \$1,150,000. SDG&E's allocation funds will be used to cover the cost of the project, including reimbursements to affected property owners for their respective trenching cost. (Director of Public Works)

Deputy Director of Public Works Swanson gave a brief explanation of the proposed utility district formation.

Mayor Horton opened the public hearing.

Nikki Block, 1089 Fourth Avenue, asked whether the costs to underground her phone and cable lines would also be reimbursed. Public Works Director Lippitt responded that staff would look at Ms. Block's specific case and contact her with a response. Ms. Block also asked why the letter sent to residents notifying them of the hearing was sent only in English and not in Spanish as well. Mr. Lippitt responded that staff would send bilingual letters explaining the district and the fact that residents would not be responsible for fronting money for the proposed utility conversion.

PUBLIC HEARINGS (Continued)

Paul West, 1345, 1347, and 1349 Fourth Avenue, questioned why one of his properties was excluded on the map for the proposed project. Mr. Swanson responded that if the service for the property in question comes from Fourth Avenue and is currently an overhead service, it would be included in the project.

With no further members of the public wishing to speak, Mayor Horton closed the public hearing.

ACTION: Councilmember Rindone offered Resolution No. 2002-020, heading read, text waived:

RESOLUTION NO. 2002-020, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 133 ALONG FOURTH AVENUE, FROM "L" STREET TO ORANGE AVENUE, AND AUTHORIZING THE EXPENDITURE OF UTILITY ALLOCATION FUNDS TO SUBSIDIZE PRIVATE SERVICE LATERAL CONVERSION

The motion carried 5-0.

10. CONSIDERATION OF THE FINAL SECOND TIER ENVIRONMENTAL IMPACT REPORT (EIR 98-01), A SECTIONAL PLANNING AREA (SPA) PLAN, PLANNED COMMUNITY DISTRICT REGULATIONS AND OTHER REGULATORY DOCUMENTS FOR 2,232 DWELLING UNITS ON APPROXIMATELY 386 ACRES IN VILLAGE SIX OF OTAY RANCH, LOCATED IN THE OTAY VALLEY PARCEL, SOUTH OF OLYMPIC PARKWAY, EAST OF LA MEDIA ROAD, NORTH OF BIRCH ROAD, AND WEST OF FUTURE SR-125 (PCM 99-05). APPLICANT: MCMILLIN OTAY RANCH, LLC. PARTICIPANT: OTAY RANCH COMPANY, LLC

McMillin Otay Ranch, LLC, submitted an application for a Sectional Planning Area (SPA) Plan and associated regulatory documents for Village Six in Otay Ranch. Village Six is located in the north central portion of the Otay Valley parcel, south of Olympic Parkway, east of La Media Road, north of Birch Road and west of future SR-125. The SPA Plan proposes 2,232 dwelling units on 386.4 acres of land in Village Six. The ownership of Village Six is split between three property owners: McMillin Otay Ranch, LLC, the Otay Ranch Company and the Catholic Diocese of San Diego. McMillin is proposing 482 single-family dwellings and 212 multi-family units on its portion of Village Six, while Otay Ranch Company is proposing 401 single-family dwellings and 1,392 multi-family units. The Catholic Diocese is proposing a church on an 11.5-acre site and a 32.5-acre private high school. (Director of Planning and Building)

Environmental Project Manager Lundstedt presented a project overview, addressing the environmental process; the EIR analysis; the issue areas analyzed in the EIR; the grading plan; Birch Road; State Route 125; and the six unavoidable significant impacts identified in the EIR (cumulative land use impacts; land form alteration; biological impacts; agricultural resources; I-805 traffic impacts; and air quality). She added that the final EIR has been completed in compliance with CEQA requirements and was revised to address public comments received.

PUBLIC HEARINGS (Continued)

Principal Planner Rosaler presented the Village Six SPA Plan.

Mayor Horton opened the public hearing.

Ray Ymzon, 5732 Sweetwater Road, representing the Sweetwater Valley Civic Association, believed that the project necessitated further review based on the six unavoidable significant impacts. He stated that methods needed to be developed to encourage the use of public transport by the community to help protect against pollution impacts, and he asked the Council to listen to the residents of Chula Vista.

Joel King, representing the Catholic Diocese of San Diego, stated that he would prefer not to have to come back before the Planning Commission for a hearing on the Conditional Use Permit (CUP).

Robert Pletcher, representing McMillan Companies, encouraged the Council to approve the project.

Kent Aden, representing The Otay Ranch Company, spoke in support of the project. He clarified a letter submitted to the Council from the Otay Ranch Company and stated that the company was willing to concur with the new standards proposed for Village Six.

With no further members of the public wishing to speak, Mayor Horton closed the public hearing.

Councilmember Davis moved to designate the Zoning Administrator as the hearing officer for the CUP. There was no second to the motion.

ACTION: Mayor Horton offered Resolution Nos. 2002-021 and 2002-022 for adoption, and Ordinance No.2851 on first reading, as amended to include a request by Mayor Horton to form a subcommittee comprised of the major developers, appropriate staff, and two Councilmembers to assess the outcome of planning for the Otay Ranch.

A. RESOLUTION NO. 2002-021, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING THE FINAL SECOND TIER ENVIRONMENTAL IMPACT REPORT (EIR 98-01) FOR THE OTAY RANCH VILLAGE SIX SECTIONAL PLANNING AREA PLAN; MAKING CERTAIN FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

B. RESOLUTION NO. 2002-022, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECTIONAL PLANNING AREA (SPA), AND SUPPORTING REGULATORY DOCUMENTS INCLUDING VILLAGE DESIGN PLAN, PUBLIC FACILITIES FINANCE PLAN, AND AFFORDABLE HOUSING PROGRAM INVOLVING APPROXIMATELY 386.4 ACRES OF LAND KNOWN AS OTAY RANCH, VILLAGE SIX

PUBLIC HEARINGS (Continued)

- C. ORDINANCE NO. 2851, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS FOR OTAY RANCH, VILLAGE SIX

The motion carried 5-0.

OTHER BUSINESS

11. CITY MANAGER'S REPORTS

There were none.

12. MAYOR'S REPORTS

There were none.

13. COUNCIL COMMENTS

Councilmember Salas mentioned an article indicating that some cities in California have successfully imposed fees on recipients of DUI's, over and above the fines assessed by the courts. She asked that the Council consider having staff explore the effectiveness and implementation of such a program in Chula Vista.

ADJOURNMENT

At 8:15 p.m., Mayor Horton adjourned the meeting to an Adjourned Regular Meeting on Tuesday, January 29, 2002, at 4:00 p.m. in the Council Conference Room, and thence to the Regular Meeting of February 5, 2002, at 4:00 p.m. in the Council Chambers.

Susan Bigelow, CMC/AAE, City Clerk